



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,735	11/13/2003	Olaf Vancura	1482/161(f)	8906
23381 7590 06/22/2007 DORR, CARSON & BIRNEY, P.C. ONE CHERRY CENTER 501 SOUTH CHERRY STREET SUITE 800 DENVER, CO 80246			EXAMINER TORIMIRO, ADETOKUNBO OLUSEGUN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/712,735

Applicant(s)

VANCURA, OLAF

Examiner

Adetokunbo O. Torimiro

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 54-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/13/2003, 12/07/2006, and 03/15/2007.

### DETAILED ACTION

1. The Preliminary amendment filed on 02/12/2004 has been entered.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 60 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 60: Claim 60 recites the limitation "the bonus game" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate clarification is required.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 54 is rejected under 35 U.S.C. 102(e) as being anticipated by Frohm et al (US 6,234,897).

Re claims 54 and 55: Frohm et al discloses a method for playing a gaming machine, the gaming machine having a plurality of game symbols (see **figs.1 and 2; col.2, lines 13-**

16), said method comprising: a. randomly displaying a combination of the plurality of game symbols in the gaming machine (see **fig.7; col.3, lines 56-58 and col.4, lines 35-40**), the plurality of game symbols at least including value / *winning* symbols and end of game / *losing* symbols (see **col.3, lines 20-29**), b. determining the values in any value symbols displayed in the gaming machine in response to the step of randomly displaying (see **col.3, lines 64-66 and col.7, lines 40-42**), c. accumulating in the gaming machine the determined values to an accumulated winnings value, d. repeating in the gaming machine steps a, b, and c until predetermined number of end game symbols is randomly displayed, e. ending play in the gaming machine when the predetermined number is reached; wherein the predetermined number is one (see **figs.7 and 8; col.7, lines 40-62**).

Re claims 56-59: Frohm et al discloses further including null / *blank* symbols in the game symbols (see **col.4, lines 35-37**); wherein the value symbols include positive integer values; wherein the value symbols include negative integer values (see **fig.3**); wherein the value symbols include multipliers (see **figs. 10A-10D; col.8, lines 10-21**). **It is apparent to Examiner that if the symbols can include positive integers, it is a preference to include negative integers.**

Re claims 60-62: Frohm et al discloses further comprising: ending the bonus game when a player stop signal is received in response to the step of accumulating, and awarding the accumulated winnings value in response to the received player stop signal (see **fig.8; col.7, lines 59-62**); further comprising determining when the accumulated winnings value

Art Unit: 3714

at least equals a predetermined winnings value, ending the bonus game, and awarding the accumulated winnings value (see **fig.12; col.9, lines 9-40**); wherein the predetermined number is one and the end game symbol is a lose symbol (see **col.7, lines 45-58**).

Re claim 63: Frohm et al discloses a method for playing a bonus game, the bonus game having a plurality of game symbols (see **figs.1 and 2; col.2, lines 13-16**), said method comprising: a. randomly displaying a combination of game symbols from the plurality of game symbols in the bonus game (see **fig.7; col.3, lines 56-58 and col.4, lines 35-40**), the plurality of game symbols including at least one value / *winning* symbols and at least one end of game / *losing* symbol (see **col.3, lines 20-29**), b. determining values in any value symbols displayed in the bonus game in response to the step of randomly displaying (see **col.3, lines 64-66 and col.7, lines 40-42**), c. accumulating in the bonus game the determined values to an accumulated winnings value, d. repeating in the bonus game steps a, b, and c until the accumulated winnings value reaches a predetermined value, e. ending the bonus game when the predetermined value is reached and the at least one end game symbol has not been displayed on any combination of game symbols (see **figs.7 and 8; col.7, lines 40-62**).

Re claim 64: Frohm et al discloses the method further comprising: paying an award different from the predetermined value in response to ending the bonus game (see **fig.8; col.7, lines 59-62**).

Art Unit: 3714

Re claim 66: Frohm et al discloses the method further comprising paying the predetermined value in response to ending the bonus game value (see fig.12; col.9, lines 9-40).

Re claim 67: Frohm et al discloses a method for playing a bonus game, the bonus game having a plurality of game symbols (see figs.1 and 2; col.2, lines 13-16), said method comprising: a. setting a count value to zero when the bonus game starts (see col.7, lines 2-5), b. incrementing the count value each play of a bonus game (see col.7, lines 39-40), c. randomly displaying a combination of game symbols from the plurality of game symbols in each play of the bonus game (see fig.7; col.3, lines 56-58 and col.4, lines 35-40), the plurality of game symbols including at least one end game / *losing* symbol (see col.3, lines 20-29), d. repeating in the bonus game steps b and c until the count value reaches a predetermined value, e. ending the bonus game when the predetermined value is reached and the at least one end game symbol has not been randomly displayed in any combination of game symbols (see figs.7 and 8; col.7, lines 40-62).

Re claim 69: Frohm et al discloses a method for playing a casino bonus game when a bonus qualifying signal issues during play of a casino gaming machine(see col.2, lines 18-21) comprising: accumulating award values in a display during play of the casino bonus game (see figs.7 and 8; col.7, lines 40-62), receiving a player stop signal from a player input during play of the casino bonus game, displaying an end of bonus game / *losing* symbol in the display during play of the casino bonus game (see col.3, lines 20-

29), awarding at least the accumulated award values in response to receiving the player stop signal and before the end of bonus game symbol is displayed in the display signal, ending play of the casino bonus game in response to awarding, ending play of the casino bonus game in response to displaying the end of game symbol before receiving the payer stop signal (see fig.8; col.7, lines 59-62).

Re claims 70-72: Frohm et al discloses further including null / *blank* symbols in the game symbols (see col.4, lines 35-37); wherein the value symbols include positive integer values; wherein the value symbols include negative integer values (see fig.3); wherein the value symbols include multipliers (see figs. 10A-10D; col.8, lines 10-21). **It is apparent to Examiner that if the symbols can include positive integers, it is a preference to include negative integers.**

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 65 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frohm et al (US 6,234,897) in view of Moody et al (US 5,976,016)

Re claims 65 and 68: Frohm et al teaches a method for playing a bonus game, the bonus game having a plurality of game symbols (see figs.1 and 2; col.2, lines 13-16).



However, Frohm et al fails to teach further comprising paying a progressive jackpot in response to ending the bonus game.

Moody et al teaches further comprising paying a progressive jackpot in response to ending the bonus game (see col.6, lines 16-27).

Therefore it would have been obvious to one of ordinary skill in the art at the invention was made to make this combination of the teachings of Frohm et al and Moody et al so as to have a game with increased intensity, interest, and anticipation for the game player towards winning at the end of the game.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Telnaes discloses an electronic gaming device utilizing a random number generator for selecting the reel stop positions; Potter et al teaches methods of progressive jackpot gaming systems; Pierce et al discloses a pachinko stand-alone and bonusing game.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270--1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT

  
ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER